

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H&S) Department - Regularization of services of Sri L.Agasthappa and (12) other Retired Field Assistants, Chittoor District with effect from 25.11.1993 for the purpose of fixation of pay, pension and pensionary benefits as per the orders of the Hon'ble High Court in C.C.No.1232/2020 in W.P. No.4592/2020, dated 25.02.2020, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.65.

Dated.22.10.2021.
Read the Following

- 1 G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994.
- 2 G.O.Ms.No.11, Finance (HR.III) Department, dated.20.01.2017.
- 3 Proc.Rc.No.18/2017- E3, dated.06.03.2017 of the Joint Director of Sericulture, Chittoor, Chittoor District.
- 4 Orders dated.29.03.2019 of the Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.459 of 2019 filed by Sri L.Agasthappa and (12) other Retired Field Assistants, Chittoor District
- 5 Orders dated.25.02.2020 of the Hon'ble High Court, A.P., Amaravathi in W.P No.4592/2020 filed by Sri L.Agasthappa and (12) other Retired Field Assistants, Chittoor District
- 6 From the Commissioner of Sericulture, A.P., Guntur Lr. Rc. No.367/2020- B3A, dated. 09.06.2020.
- 7 C.C.No.1232 of 2020 in W.P No.4592 of 2020 filed Sri L.Agasthappa and (11) other Retired Field Assistants, Chittoor District
- 8 Court Proceedings dated.03.09.2021 of the Hon'ble High Court, A.P., Amaravathi in C.C.No.1232 of 2020
- 9 From the Government Pleader for Services - I, High Court of A.P., Amaravathi, letter dated.06.09.2021.

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ORDER :

In the G.O. second read above, orders were issued to create (726) posts in the category of Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules, 1992 and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Sri L.Agasthappa and (12) other Retired Field Assistants, Chittoor District, who were covered in G.O.Ms.No.11, Finance (HR.III) Department, dated 20.01.2017 and appointed as Field Assistants under category-12 of A.P Last Grade Service Rules, 1992 in the time scale of Rs.13000 – 40270 in RPS, 2015 was retired on different dates on attaining the age of superannuation i.e. 60 years. They have filed O.A.No.459 of 2019 before the Hon'ble A.P Administrative Tribunal, Hyderabad, seeking directions to the respondents to regularize their services soon after completion of five years i.e., 31.05.1986, 07.10.1984, 30.11.1985, 30.11.1987, 20.12.1986, 15.09.1984, 14.06.1987, 30.06.1986, 30.06.1983, 31.10.1985, 30.04.1983, 13.05.1989 and 31.03.1986 respectively or at least w.e.f. 25.11.1993 with all consequential benefits, such as pay fixation, old pension Scheme, Revised pay scales etc.,

3. The Hon'ble A.P Administrative Tribunal, Hyderabad has allowed the O.A. at the admission stage and passed orders on 29.03.2019 in O.A.No.459 of 2019 filed by Sri L. Agasthappa and (12) other Retired Field Assistants, Chittoor District, referring to the orders dated.13.09.2017 passed in O.A.No.1740, 1741 & 1761 of 2017. The Operative position of the orders/judgment is as follows:

“Having perused the earlier order cited by the learned counsel for the applicants in O.A.No.1740/2017 and batch, dated.13.09.2017, I am of the considered view that the facts

(PTO)

in the present O.As are exactly similar to the three OAs referred to above. Hence, the applicants in the present OAs are also entitled for the similar relief granted in O.A No.1740/2017 and batch, dated.13.09.2017, which is as follows:

For all the above reasons, the respondents are directed to regularize the services of the applicants with effect from 25.11.1993 and on such, the applicants, are entitled for notional pay fixation and the service from that day shall be counted only for the purpose of pension and pensionary benefits. Appropriate orders in this regard shall be passed within a period of three months from the date of receipt of copy of this order.

The three Original Applications are allowed accordingly. In the circumstances, no costs”

The OAs are accordingly allowed at the admission stage with the consent of both the parties”

4. The individuals have filed W.P.No.4592/2020 before the Hon'ble High Court of A.P., Amaravathi seeking directions to the respondents for implementation of Tribunal orders dated.28.03.2019 in O.A.No.459 of 2019. The Hon'ble High Court allowed the W.P. at the admission stage and passed the following orders on 25.02.2020.

“For the aforesaid reasons, the W.P. is disposed of, directing the respondents to implement the order of the Tribunal, dated. 28.12.2018 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.459 of 2019 within a period of three (3) months from the date of receipt of a copy of this order”.

5. The Commissioner of Sericulture, A.P., Guntur being the 3rd Respondent in the above W.P. has informed to the petitioners vide reference 6th read above that the main case orders of Hon'ble APAT in OA No.1740/2017 and 3263/2017 and batch were challenged in W.P No.4247 of 2019 and 4994 of 2019 and were pending before the Hon'ble High Court. They were also informed that the petitioners' claim will be examined basing on outcome of the judgment in W.P. No.4247/2019 and 4994/2019 filed by the government.

6. The Hon'ble Division Bench of High Court, A.P., Amaravathi have dismissed the above W.Ps. on 06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos.011166 – 011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

7. The petitioners in O.A and W.P. have filed C.C.No.1232 of 2020 in W.P No.4592/2020 before the Hon'ble High Court, A.P., Amaravathi for non-implementation of the above Hon'ble High Court orders. The Contempt Case came up for hearing on 03.09.2021 and the Hon'ble Court has posted the Contempt Case on 23.10.2021 for compliance, failing which the Respondents No.1,2 & 3 i.e., Principal Secretary to Finance (HR III), Secretariat, A P, Velagapudi, Guntur District; Special Chief Secretary to the Government of Andhra Pradesh, Agriculture and Cooperation, Sericulture Department, Secretariat, A P Velagapudi, Guntur District and Commissioner of Sericulture, Government of Andhra Pradesh, Vijayawada, Krishna District are directed to appear in person before the Hon'ble High Court at Amaravathi on 23.10.2021 at 10.30 AM.

8. After careful examination of the entire issue and to avoid further legal complications, Government have decided to Implement the orders of Hon'ble High Court A.P., dated:25.02.2020 in W.P No.4592/2020 in O.A.No.459 of 2019 and hereby order to regularize the services of petitioners i.e., Sri L.Agasthappa and (12) other Retired Field Assistants, Chittoor District with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) department, dated.22.04.1994 for the purpose of pay fixation, pension and pensionary benefits, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi and other SLPs pending in the similar matter.

9. This orders/relief being extended only to the incumbent petitioner mentioned in the above W.P and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

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10. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

11. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated 21-10-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH,
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Sericulture, Andhra Pradesh, Guntur.

The individual concerned through the Commissioner of Sericulture, A.P., Guntur

The Director of State Audit Department, Andhra Pradesh.

Finance (HR.I-Plg.& Policy) Department.

Copy to:

The Government Pleader for Services-I, A.P.High Court Buildings, Nelapadu

P.S to Hon'ble Minister (Agrl.& Coop)

P.S to Chief Commissioner RBKS & Spl.C.S to Govt., Agrl.& Coop Dept.,

P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.

P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.

SF/SC.

// FORWARDED BY ORDER //


SECTION OFFICER

